

INITIATIVE 932

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 932 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to establishment of procedures for creation of new
2 counties or consolidation of existing counties; amending RCW 36.32.020
3 and 84.09.030; adding a new section to chapter 47.01 RCW; adding a new
4 chapter to Title 36 RCW; creating a new section; repealing RCW
5 4.12.070, 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050;
6 and prescribing penalties.

7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The purpose of this act is to establish
9 procedures for the orderly formation of new counties or consolidation
10 of existing counties and to provide for an equitable apportionment of
11 the debts, liabilities, and assets of the parent county or counties
12 between the new county and the remaining portions or portion of each
13 parent county.

14 (1) Article XI, section 3 of the state Constitution authorizes the
15 formation of new counties and establishes certain conditions for and
16 restrictions on those formations. The constitutional provision
17 requires the legislature to adopt "a general law applicable to the
18 whole state." In over one hundred years, the legislature has failed to

1 provide a general statutory framework for the formation of new counties
2 that applies to the whole state.

3 (2) The purpose of this act is to establish procedures for the
4 orderly formation of new counties, either by the division of an
5 existing county or counties or through the consolidation of existing
6 counties, that is consistent with the recent state supreme court
7 decision in *Cedar County Committee v. Munro* (134 Wn.2d 377) and to
8 provide for an equitable apportionment of the debts, liabilities, and
9 assets of the parent county or counties between the new county and the
10 remaining portion or portions of each parent county.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Assets" means all: (a) Real estate and leasehold interests in
14 real estate owned by the parent county; (b) tangible personal property
15 owned or leased by the parent county; and (c) intangible personal
16 property owned by the parent county including cash, securities,
17 commercial paper, notes, accounts receivable, and contract rights.
18 Assets are determined as of the first day of the interim period.

19 (2) "Interim period" means the period during which a new county
20 government is established, the apportionment of debts, liabilities, and
21 assets is implemented, and the transfer of all records from the parent
22 county or counties to the new county is completed. The period begins
23 on January 1st after the end of the regular session at which the new
24 county is created by special legislation or the year in which an
25 election for the formation of a new county is approved, and the period
26 ends on December 31st of the same year.

27 (3) "New county" means the county that is created by striking
28 territory from a parent county or counties under Article XI, section 3
29 of the state Constitution.

30 (4) "Parent county or counties" means the existing county or
31 counties out of which territory is stricken to create a new county
32 under Article XI, section 3 of the state Constitution.

33 (5) "Proponents" means up to five individuals who are registered
34 voters in the proposed new county who initiate the petition process to
35 create a new county under section 3 of this act.

36 NEW SECTION. **Sec. 3.** The proponent or proponents of a proposed
37 new county shall, before the circulation of a petition in support of

1 the formation of that new county, file with the secretary of state a
2 statement designating the name of the proposed county and containing
3 the legal description of the proposed county, together with an
4 affidavit from each proponent that he or she is a registered voter
5 within the territory of the proposed county. If there are two or more
6 proponents, one of them must be designated as the principal proponent
7 for the purpose of receiving notices and communications required by
8 law.

9 NEW SECTION. **Sec. 4.** (1) Upon receipt of the statement, legal
10 description, and affidavit of sponsorship for a proposed new county,
11 the secretary of state shall forward a copy of the legal description to
12 the office of financial management.

13 (2) Within thirty days of receipt of this request from the
14 secretary of state, the director of the office of financial management
15 shall determine if the legal description is consistent and the
16 territory described is a single, contiguous area. If the legal
17 description is defective, the director shall notify the secretary of
18 state and the principal proponent of the nature and extent of the
19 defect. With the advice and assistance of the director, the proponents
20 may amend the legal description and file a new statement under section
21 3 of this act.

22 (3) If the legal description is not defective, the director shall
23 also determine the population of the proposed new county and the
24 population of the remaining portion or portions of each parent county,
25 using the most current data available. The director shall certify
26 these populations to the secretary of state and the principal proponent
27 of the new county within thirty days of receipt of the request from the
28 secretary of state.

29 NEW SECTION. **Sec. 5.** Petitions for the formation of a new county
30 must be substantially in the following form:

31 WARNING

32 Every person who signs this petition with any other than his or her
33 true name, knowingly signs more than one petition for the same new
34 county, signs this petition when he or she is not a registered voter,
35 or makes any false statement on this petition may be punished by fine
36 or imprisonment or both.

PETITION FOR THE FORMATION OF COUNTY

To the Honorable, Secretary of State of the State
of Washington:

We the undersigned citizens and legal voters of the state of
Washington, respectfully direct that this petition for the formation of
. county, a full, true, and correct copy of the legal
description of which is printed on the reverse side of this petition,
be transmitted to the legislature of the state of Washington, at its
next ensuing regular session. We respectfully petition the legislature
to create this new county as provided by law. Each of us for himself
or herself declares that: I have personally signed this petition, I am
a legal voter of the state of Washington, my residence address is
correctly stated, and I have not knowingly signed any other petition
for the formation of this county.

Petitioner's	Print name	Residence address,	City	County
signature	for positive	street, and number,	or	
	identification	if any	Town	

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36

A complete legal description of the proposed county must be printed
on the reverse side of the petition sheet. A proposed county seat may

1 be included on the front or the back of the petition. A map of the
2 proposed new county may be printed on the front or the back of the
3 petition.

4 NEW SECTION. **Sec. 6.** Petitions for the formation of a new county,
5 signed by the requisite number of registered voters in the proposed
6 county, may be submitted to the secretary of state at any time up to
7 three years after the certification of the legal description and
8 populations under section 4 of this act. The standards for acceptance
9 or rejection of signature petitions for the formation of a new county
10 are the same as for acts under RCW 29A.72.170, and any appeal of a
11 refusal by the secretary of state to file signature petitions will
12 proceed in the same manner as provided for acts under RCW 29A.72.180
13 and 29A.72.190.

14 NEW SECTION. **Sec. 7.** A petition for the creation of a new county
15 circulated before the effective date of this act, filed under section
16 6 of this act with the secretary of state within two years of the
17 effective date of this act, and differing in form from the information
18 required by section 5 of this act is acceptable as to the requirements
19 for form.

20 NEW SECTION. **Sec. 8.** A petition proposing the creation of a new
21 county must be signed by at least fifty percent of the registered
22 voters residing in the combined portions of each parent county from
23 which territory is proposed to be stricken and included in the new
24 county at the time the petition is filed under this section.

25 NEW SECTION. **Sec. 9.** (1) Every person who signs a petition
26 requesting the creation of a new county with any other than his or her
27 true name is guilty of a class C felony punishable under chapter 9A.20
28 RCW.

29 (2) Every person who: (a) Knowingly signs more than one petition
30 for the same effort to create a new county; (b) signs a petition
31 requesting the creation of a new county knowing that he or she is not
32 a legal voter; or (c) makes a false statement as to his or her
33 residence on any petition requesting the creation of a new county, is
34 guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

1 NEW SECTION. **Sec. 10.** Within sixty days of the receipt of the
2 petition under section 6 of this act, the secretary of state shall
3 examine the signatures on the petition, compare them to the records in
4 the statewide data base of registered voters provided under chapter
5 29A.08 RCW and any additional information provided by the parent county
6 or counties that is necessary to determine whether a registered voter
7 is within the boundaries of the proposed new county, and determine if
8 the number of valid signatures of registered voters on the petition
9 exceeds the number required under section 8 of this act. A variation
10 between the signature on the petition and that on the registration
11 record due to the substitution of initials or the use of common
12 nicknames is permitted so long as the surname and handwriting are
13 clearly the same.

14 NEW SECTION. **Sec. 11.** (1) The secretary of state shall certify to
15 the proponents and to the legislature whether the proposed new county
16 and the remaining parent county or counties will have the minimum
17 populations required by the state Constitution and whether the petition
18 has been signed by at least fifty percent of the registered voters in
19 the combined portions of each parent county that is to be stricken to
20 form the new county.

21 (2) The secretary of state shall also notify the presiding judge of
22 the division of the state court of appeals that contains the greatest
23 portion of the population of the new county that a petition for the
24 formation of a new county has been transmitted to the legislature and
25 shall transmit with the notice a copy of the legal description of the
26 proposed county.

27 (3) The secretary of state shall also notify the director of the
28 department of revenue that a petition for the formation of a new county
29 has been transmitted to the legislature and shall transmit with the
30 notice a copy of the legal description of the proposed county.

31 (4) Any proponent or opponent of the new county, dissatisfied with
32 the determination of the secretary of state under this section, may
33 appeal that determination to the superior court of Thurston county.
34 The review by the superior court will proceed in the same manner as for
35 acts under RCW 29A.72.240.

36 NEW SECTION. **Sec. 12.** (1) When the presiding judge of the
37 applicable division of the state court of appeals is notified of the

petition transmission under section 11(2) of this act, the presiding judge shall appoint a special master to gather facts, conduct hearings, review evidence, and make recommendations to the court regarding the division of assets and liabilities between the new county and the parent county or counties in accordance with sections 13 through 18 of this act, including any critical factors that would affect the projected long-term revenues of the proposed new county compared to counties of similar population and physical area. The principal proponent of the new county and the legislative authority of any parent county or counties from which territory is to be stricken are proper parties to this proceeding and may recommend individuals to serve as the special master.

(2) If the petition for a new county proposes the consolidation of two or more existing counties where there is no remaining territory in any parent county or counties, the presiding judge may enter an order under section 17(1) of this act without appointing a special master.

NEW SECTION. **Sec. 13.** (1) The special master may employ appraisers, accountants, actuaries, engineers, attorneys, or other experts, and consult with state and local agencies including boundary review boards established under chapter 36.93 RCW, to assemble and evaluate evidence and exercise all other powers granted to the court that are necessary for the efficient and just resolution of any issues.

(2) The court of appeals may award payment of reasonable fees and costs to any special master and any experts that the special master is authorized to retain and may assess such fees and costs against the parent county and the new county in such proportions as it deems just.

NEW SECTION. **Sec. 14.** Whenever a new county is created out of territory that was stricken from another county or counties, the new county is liable for an equitable proportion of the debts and liabilities of the parent county or counties and must receive an equitable proportion of the assets of the parent county or counties.

NEW SECTION. **Sec. 15.** (1) In apportioning the debts and liabilities under section 14 of this act, the court shall not charge either county with any share of debts or liabilities then existing incurred in the purchase of county property, or in the purchase or construction of public buildings then in use or under construction, or

1 roads or bridges then in use or under construction, that are located
2 within the other county except where the repayment of the debt or
3 liability is being made or is to be made from bonds originally
4 authorized by a vote of the qualified electors in the other county.

5 (2) The remaining debts and liabilities of the parent county must
6 be apportioned so that the new county is assigned an amount of these
7 debts and liabilities that is in the same proportion as the assessed
8 valuation of the new county, that was part of that parent county, is to
9 the total assessed valuation in the parent county before the creation
10 of the new county. The assessed valuations must be those used for
11 taxes imposed in the year before the election was held authorizing the
12 creation of the new county. The debts and liabilities mentioned in
13 this section may not include new tax obligations created by the parent
14 county government after the submission of petitions for creation of the
15 new county to the secretary of state.

16 (3) This section may not be construed to affect the rights of
17 creditors.

18 NEW SECTION. **Sec. 16.** (1) In apportioning the assets of the
19 parent county or counties, each parent county retains ownership of real
20 property it owns that remains in its boundaries after the creation of
21 the new county. At the effective date of the creation of the new
22 county, the new county acquires ownership of real property that was
23 owned by the parent county or counties that is located in the new
24 county. No valuation of or compensation for real property is required.

25 (2) All equipment owned by each parent county that is used in the
26 construction or maintenance of roads or bridges must be apportioned
27 based on total appraised value of the equipment between the new county
28 and the parent county so that the new county receives a portion of this
29 equipment that is in the same proportion as the number of miles of
30 county roads in the new county, that were part of that parent county,
31 is to the total number of miles of county roads in the parent county
32 before the creation of the new county.

33 (3) All other assets of each parent county, the apportionment of
34 which is not otherwise provided for, must be apportioned between the
35 parent county and the new county based on total appraised value of the
36 assets so that the new county receives a portion of these assets that
37 is in the same proportion as the assessed valuation of the new county,
38 that was part of the parent county, is to the total assessed valuation

1 of the parent county before the creation of the new county. The
2 assessed valuations must be those used for taxes imposed in the year of
3 the election authorizing creation of the new county.

4 NEW SECTION. **Sec. 17.** (1) Within six months after receiving
5 notice under section 11(2) of this act, the court of appeals shall
6 enter an order apportioning all debts, liabilities, and assets of the
7 parent county or counties between the parent counties and new county
8 and providing for the method of transfer or payment, subject to the
9 creation of the new county under section 19 of this act. The order of
10 the court of appeals is final.

11 (2) RCW 2.06.040 applies to a proceeding under this section, except
12 that a decision rendered under this section does not have precedential
13 value and need not be published as an opinion of the court.

14 NEW SECTION. **Sec. 18.** Within six months of the receipt of a
15 notice under section 11 of this act, the director of the department of
16 revenue, in conjunction with the department of community, trade, and
17 economic development and the office of financial management, shall
18 analyze and prepare a report on the impact of the creation of the new
19 county on the revenues and expenditures of the parent county or
20 counties.

21 NEW SECTION. **Sec. 19.** (1) If all the requirements of Article XI,
22 section 3 of the state Constitution for the creation of a new county
23 have been met, the legislature may, during the first regular session
24 after certification under section 11(1) of this act, enact special
25 legislation creating that county.

26 (2) If the legislature does not enact special legislation creating
27 the county under subsection (1) of this section, the question of the
28 creation of that county must be referred to a vote of the registered
29 voters residing in the proposed new county at the next general election
30 more than one hundred twenty days after the adjournment of the session
31 at which the special legislation could have been enacted.

32 NEW SECTION. **Sec. 20.** (1) If the legislature provides for the
33 creation of a new county under section 19 of this act by special
34 legislation, that special legislation must include:

35 (a) A legal description of the proposed new county;

1 (b) The initial annual salaries of the elected officers of the new
2 county;

3 (c) An initial county seat for the new county, if not specified in
4 the county petition;

5 (d) Provision for the initial election of officers of the new
6 county if those are different from sections 21 through 23 of this act;

7 (e) Provision for a superior court and district court for the new
8 county;

9 (f) Boundaries for three commissioner districts in the proposed new
10 county subject to the criteria in RCW 29A.76.010; and

11 (g) Provision for any necessary financial resources for the new
12 county during the interim period and until the receipt of regular taxes
13 and other revenues. Such measures may be revised by the new county
14 commission once in operation.

15 (2) All counties must consist of a single contiguous area of land
16 and water. If the legislature determines that the boundaries of the
17 proposed new county have become defective since the collection of
18 petitions, it may modify the proposed boundaries only so far to resolve
19 these issues. It shall consider the boundaries of existing and new
20 communities and governmental units, but may not make substantive
21 changes of greater than ten percent of the total area of the new
22 county. The legislature may not make changes in the boundaries that
23 would result in the creation of a new county that does not satisfy the
24 requirements of Article XI, section 3 of the state Constitution.

25 NEW SECTION. **Sec. 21.** (1) If special legislation enacted under
26 section 19(1) of this act does not provide otherwise or if the question
27 of the formation of a new county is referred under section 19(2) of
28 this act and if the new county includes part of the territory from one
29 or more parent counties that question must be submitted to the voters
30 of the new county in substantially the following form:

31 "Shall the new county of (insert name of new county) be created and
32 the assets and liabilities of (insert the name of the parent county or
33 counties) be divided with this new county as provided in (cite the
34 order of the court of appeals)? - yes or no?"

35 (2) If the new county consolidates all of the territory of two or
36 more parent counties, the question must be submitted to the voters of
37 the new county in substantially the following form:

1 "Shall the new county of (insert name of new county) be created and
2 shall it assume all of the assets and liabilities of (insert the name
3 of the parent counties) as provided in (cite the order of the court of
4 appeals)? - yes or no?"

5 NEW SECTION. **Sec. 22.** (1) If special legislation enacted under
6 section 19(1) of this act does not provide otherwise or if the question
7 of the formation of a new county is referred under section 19(2) of
8 this act, a primary must be held under RCW 29A.04.311 for the
9 nomination of candidates for the various county elected offices, and
10 elections for those offices must be held in conjunction with the state
11 general election in that year. Except as provided in this section,
12 nominations and elections must be held as provided by the general
13 election laws for partisan county offices.

14 (2) Declarations of candidacy for the initial terms of office for
15 the elected county offices in the new county must be filed with the
16 county auditor of the parent county if the new county is to be created
17 out of territory from only one county and with the secretary of state
18 if the new county is to be formed out of territory from more than one
19 parent county.

20 (3) Candidates for the office of county commissioner shall file for
21 one of three separate county commissioner positions. If county
22 commissioner districts were created by the special legislation, the
23 filing officer shall designate one position for each district, and the
24 voters in each district shall nominate the candidates for county
25 commissioner for that district.

26 (4) If any parent county does not provide a local voters' pamphlet
27 for the primary or the general election under RCW 29A.32.210 through
28 29A.32.280, the secretary of state shall provide a pamphlet for the
29 jurisdiction of the proposed new county only.

30 (5) If the local voters' pamphlet is produced by the secretary of
31 state, the committees to draft statements for and against the measures
32 will be appointed as provided for state measures under RCW 29A.32.060.
33 The local voters' pamphlet must include the legal description and map
34 of the proposed new county, a summary of the allocation of assets,
35 debts, and liabilities adopted by the court of appeals, and the report
36 by the department of revenue about the revenue and expenditure impact
37 of the formation of the new county on the parent county or counties.

1 (6) The county auditor or auditors shall conduct and canvass the
2 election and certify the results to the secretary of state, who shall
3 canvass and certify the results of the primary and the election.

4 (7) The newly elected county officials shall assume office
5 immediately upon the certification of the election with limited powers
6 during the interim period as provided in this chapter and full powers
7 after the expiration of the interim period.

8 NEW SECTION. **Sec. 23.** If the legislature creates a new county
9 under section 19(1) of this act or if a majority of the registered
10 voters who reside within the boundaries of the proposed new county
11 voting on the question vote in favor of creation of a new county under
12 section 19(2) of this act, the new county is established, with an
13 interim organization period commencing on January 1st of the year after
14 the session at which the special legislation was enacted or the
15 election at which the voters approved the formation of the new county.
16 The interim period expires on December 31st of the year in which it
17 started.

18 NEW SECTION. **Sec. 24.** (1) Except as provided in subsection (2) of
19 this section, the terms of office for all of the initial county
20 officials are from the date of the certification of their election
21 until their successors are elected and qualified at the next general
22 election that is two years before the year in which the governor is
23 elected.

24 (2) The commissioner or commissioners who receive the greatest
25 number of votes for their respective positions at the general election
26 provided for under section 22 of this act will receive the longer
27 unexpired term or terms.

28 (3) No regular or unexpired term elections may be held during the
29 interim period. Vacancies in elected county offices will be filled by
30 appointment.

31 (4) After the expiration of the first set of unexpired terms, the
32 terms of all officers will be four years and until their successors are
33 elected and qualified.

34 NEW SECTION. **Sec. 25.** If the new county is created, the new
35 county shall reimburse the parent county or counties for its share of
36 the primary and election costs under RCW 29A.04.410. If the new county

1 is not created, the parent county or counties shall pay the cost of
2 conducting the primary and the election to create a new county and
3 elect county officers. For the purposes of this section, the
4 proportionate share of the costs of producing and distributing the
5 local voters' pamphlet under section 22 of this act are included in the
6 cost of conducting the primary and election on the formation of the new
7 county.

8 NEW SECTION. **Sec. 26.** Except as provided in this section, the
9 boundaries of any new county are independent from and do not affect the
10 boundaries of any city, town, or special district of any kind.

11 (1) Unless the initial board of county commissioners provides
12 otherwise, a single road district must exist in the new county composed
13 of all the unincorporated area within the new county. Territory that
14 is stricken from a parent county to create a new county must also be
15 stricken from the road district or districts of the parent county
16 effective as of the final day of the interim period.

17 (2) An area in a new county that was included in a county rural
18 library district must remain part of that county rural library
19 district. The trustees of such a library district must be appointed by
20 joint action of the members of the county legislative authorities of
21 the parent county or counties and the new county, with the vote on each
22 appointment distributed among the members of the county legislative
23 authorities so that the combined total vote of all the members of a
24 single county legislative authority is in direct proportion to the
25 percentage of population within the library district residing in that
26 county and each member of that county legislative authority receiving
27 an equal portion of that vote.

28 (3) Effective on the first day after the interim period for the
29 creation of a new county, a public transportation benefit area that
30 includes territory located in both the remaining parent county and new
31 county will have its boundaries reduced to eliminate any territory
32 located in the new county.

33 NEW SECTION. **Sec. 27.** The superior court and district court for
34 the new county shall obtain jurisdiction over all new matters filed on
35 or after the interim period expires, over which those courts otherwise
36 have jurisdiction under the state Constitution and state law. The
37 superior court and district court of the parent county or counties

1 shall retain jurisdiction of any matters pending before them or on
2 appeal from them on December 31st at the close of the interim period
3 unless all parties to the matter stipulate to a change of venue to the
4 superior or district court of the new county.

5 All pleadings, process, documents, and files in the office of the
6 county clerk and in the offices of officers of the superior or district
7 court of a parent county pertaining to actions and proceedings
8 transferred to the superior or district court of the new county must be
9 certified and transferred to the county clerk or to officers of the
10 superior or district court of the new county.

11 NEW SECTION. **Sec. 28.** Within ten months of the beginning of the
12 interim period for a new county, all records, documents, and papers in
13 the offices of county auditor, county assessor, county treasurer, and
14 other county officers of a parent county, affecting the title or
15 possession of real property in the new county, assessed valuation of
16 property located in the new county, registration of voters residing in
17 the new county, or other appropriate matters, must be certified by the
18 appropriate parent county official and must be transferred to the
19 appropriate county officials and officers of the new county. If
20 original records, documents, or papers are not transferred, certified
21 copies must be provided. The appropriate county officials of the
22 parent county and the new county may agree to these transfers through
23 electronic, mechanical, or other methods that adequately ensure the
24 accuracy of the transferred information. The new county shall pay all
25 reasonable costs incurred with regard to the transfer of records,
26 documents, and papers.

27 NEW SECTION. **Sec. 29.** During the interim period for a new county,
28 the initial county officials have the following powers:

29 (1) The initial board of county commissioners may adopt ordinances
30 and adopt resolutions necessary to implement the general powers
31 provided by this section. The initial board of county commissioners
32 may also adopt ordinances on any matter within the authority of a
33 noncharter county. The ordinances become effective on the expiration
34 of the interim period.

35 (2) The initial county officials, subject to state law governing
36 counties in general, may purchase or lease land, buildings, equipment,
37 and supplies; contract for services; and employ staff as necessary to

1 implement the powers provided by this section and to assure the
2 establishment of the necessary infrastructure and staffing for the full
3 operation of county government on the expiration of the interim period.

4 (3) The initial county officials may enter interlocal agreements
5 with the parent county or counties to facilitate the establishment of
6 the new county government and for services to be rendered following the
7 interim period.

8 (4) The initial board of county commissioners may:

9 (a) Cause tax anticipation or revenue anticipation notes or
10 warrants or other short-term obligations to be issued as provided in
11 chapter 39.50 RCW;

12 (b) Authorize the borrowing of money from state or federal agencies
13 to the same extent as is authorized for a nonhome-rule county;

14 (c) Submit ballot propositions to the voters of the new county
15 authorizing a single-year excess levy to be imposed, as provided by RCW
16 84.52.052;

17 (d) Submit ballot propositions to the voters of the new county
18 authorizing both voter-approved general indebtedness and bond
19 retirement excess levies, as provided by RCW 84.52.056 and 39.36.050;

20 (e) Impose property taxes as authorized for counties, to be
21 collected after the interim period; and

22 (f) Impose excise taxes as authorized for counties effective on
23 January 1st after the interim period, including, but not limited to,
24 sales and use taxes authorized in chapter 82.14 RCW and real estate
25 excise taxes authorized in chapter 82.46 RCW.

26 NEW SECTION. Sec. 30. The initial county officers of a new county
27 during the interim period are subject to all state laws limiting the
28 authority of or imposing obligations on such offices as if the new
29 county were fully established.

30 NEW SECTION. Sec. 31. All ordinances, rules, and regulations of
31 a parent county that are in effect at the beginning of the interim
32 period for a new county and that are adopted by the parent county
33 during the interim period of a new county have their full force and
34 effect within the portion of the parent county that is stricken to form
35 the new county until the end of the interim period, unless repealed by
36 the parent county before that date.

1 NEW SECTION. **Sec. 32.** During the interim period for a new county,
2 the parent county or counties remain responsible for providing all
3 county services previously provided by that parent county in the
4 portion of the parent county that is stricken to form a new county at
5 the current level of service, unless otherwise agreed to between the
6 parent county and the initial officers of the new county.

7 NEW SECTION. **Sec. 33.** (1) The budget for the interim period for
8 a new county must be adopted as provided in this section. The budget
9 for the first budget cycle of the new county after the interim period
10 must be adopted as provided in chapter 36.40 RCW.

11 (2) The initial board of county commissioners shall adopt a budget
12 for the interim period and make any subsequent amendments in
13 consultation with the state auditor and the department of revenue. The
14 department of revenue shall provide to the initial officers of the new
15 county, at the earliest date feasible after the election authorizing
16 formation of the new county, a report detailing the potential revenues
17 and expenses of the new county. The interim period budget may
18 initially authorize expenditure of moneys by general category without
19 specific detail. The budget may be amended periodically during the
20 interim period to reflect actual revenues or expenditure requirements
21 as they become known.

22 NEW SECTION. **Sec. 34.** During the interim period for a new county,
23 the initial board of county commissioners may borrow money from the
24 state treasurer in amounts and on terms deemed prudent and reasonable
25 by the state treasurer.

26 Any loan obtained under this section must be repaid within three
27 years of the initial disbursement. The state treasurer may withhold
28 moneys from the funds otherwise payable to the new county to assure
29 repayment.

30 NEW SECTION. **Sec. 35.** Each parent county shall continue imposing
31 sales and use taxes throughout its entire boundaries until the end of
32 the interim period. Before the end of the interim period, each parent
33 county will continue receiving federal and state moneys allocated to it
34 as if the new county did not exist. State moneys must be allocated to
35 the new county on whatever basis these moneys are distributed
36 commencing on the first day after the interim period.

1 NEW SECTION. **Sec. 36.** The rule of strict construction does not
2 apply to this chapter. The authority granted to the initial county
3 commissioners of a new county must be liberally interpreted to provide
4 for a transition to a new county during the interim period so that, to
5 the greatest extent possible, a new county will be able to fully
6 function as a complete county government at the date the new county is
7 officially created.

8 NEW SECTION. **Sec. 37.** A new section is added to chapter 47.01 RCW
9 to read as follows:

10 Beginning on January 1st following the interim period for a new
11 county, the department of transportation shall adjust the allocations
12 of transportation moneys made to counties to include the new county on
13 the same bases as apply to previously existing counties.

14 **Sec. 38.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to read
15 as follows:

16 The board of county commissioners of each county shall divide their
17 county into three commissioner districts so that each district shall
18 comprise as nearly as possible one-third of the population of the
19 county(~~((:—PROVIDED, That))~~). The territory comprised in any voting
20 precincts of such districts shall remain compact, and shall not be
21 divided by the lines of (~~said~~) the districts.

22 However, the commissioners of any county composed entirely of
23 islands and with a population of less than thirty-five thousand may
24 divide their county into three commissioner districts without regard to
25 population, except that if any single island is included in more than
26 one district, the districts on such island shall comprise, as nearly as
27 possible, equal populations.

28 The lines of the districts shall not be changed (~~((oftener))~~) more
29 often than once in four years except for the initial districts in a new
30 county created under section 19 of this act and only when a full board
31 of commissioners is present. The districts shall be designated as
32 districts numbered one, two and three.

33 **Sec. 39.** RCW 84.09.030 and 2004 c 129 s 19 are each amended to
34 read as follows:

35 Except as follows, the boundaries of counties, cities and all other
36 taxing districts, for purposes of property taxation and the levy of

1 property taxes, shall be the established official boundaries of such
2 districts existing on the first day of March of the year in which the
3 property tax levy is made.

4 The official boundaries of a newly incorporated taxing district
5 shall be established at a different date in the year in which the
6 incorporation occurred as follows:

7 (1) Boundaries for a newly incorporated city shall be established
8 on the last day of March of the year in which the initial property tax
9 levy is made, and the boundaries of a road district, library district,
10 or fire protection district or districts, that include any portion of
11 the area that was incorporated within its boundaries shall be altered
12 as of this date to exclude this area, if the budget for the newly
13 incorporated city is filed pursuant to RCW 84.52.020 and the levy
14 request of the newly incorporated city is made pursuant to RCW
15 84.52.070. Whenever a proposed city incorporation is on the March
16 special election ballot, the county auditor shall submit the legal
17 description of the proposed city to the department of revenue on or
18 before the first day of March;

19 (2) Boundaries for a newly incorporated port district or regional
20 fire protection service authority shall be established on the first day
21 of October if the boundaries of the newly incorporated port district or
22 regional fire protection service authority are coterminous with the
23 boundaries of another taxing district or districts, as they existed on
24 the first day of March of that year;

25 (3) Boundaries of any other newly incorporated taxing district
26 shall be established on the first day of June of the year in which the
27 property tax levy is made if the taxing district has boundaries
28 coterminous with the boundaries of another taxing district, as they
29 existed on the first day of March of that year;

30 (4) Boundaries for a newly incorporated water-sewer district shall
31 be established on the fifteenth of June of the year in which the
32 proposition under RCW 57.04.050 authorizing a water district excess
33 levy is approved; and

34 (5) Boundaries of a new county, the counties from which territory
35 is stricken to create the new county, any road districts in the
36 counties from which the territory is stricken, and road districts in
37 the newly created county will be established on the first day of
38 January of the interim period after the formation of that new county.

1 The boundaries of a taxing district shall be established on the
2 first day of June if territory has been added to, or removed from, the
3 taxing district after the first day of March of that year with
4 boundaries coterminous with the boundaries of another taxing district
5 as they existed on the first day of March of that year. However, the
6 boundaries of a road district, library district, or fire protection
7 district or districts, that include any portion of the area that was
8 annexed to a city or town within its boundaries shall be altered as of
9 this date to exclude this area. In any case where any instrument
10 setting forth the official boundaries of any newly established taxing
11 district, or setting forth any change in such boundaries, is required
12 by law to be filed in the office of the county auditor or other county
13 official, said instrument shall be filed in triplicate. The officer
14 with whom such instrument is filed shall transmit two copies to the
15 county assessor.

16 No property tax levy shall be made for any taxing district whose
17 boundaries are not established as of the dates provided in this
18 section.

19 NEW SECTION. **Sec. 40.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 4.12.070 (Change to newly created county) and 1891 c 33 s
22 2, Code 1881 s 53, 1877 p 12 s 54, 1869 p 14 s 54, & 1854 p 377 s 2;

23 (2) RCW 36.09.010 (Debts and property to be apportioned) and 1963
24 c 4 s 36.09.010;

25 (3) RCW 36.09.020 (Procedure to settle amount charged new county--
26 Basis of apportionment) and 1963 c 4 s 36.09.020;

27 (4) RCW 36.09.035 (Procedure to settle amount charged new county--
28 Disagreement between auditors--Determination by third person) and 1963
29 c 4 s 36.09.035;

30 (5) RCW 36.09.040 (Payment of indebtedness--Transfer of property)
31 and 1963 c 4 s 36.09.040; and

32 (6) RCW 36.09.050 (Collection of taxes levied--Apportionment) and
33 1963 c 4 s 36.09.050.

34 NEW SECTION. **Sec. 41.** Sections 2 through 36 of this act
35 constitute a new chapter in Title 36 RCW.

1 NEW SECTION. **Sec. 42.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

--- END ---